

REGULAR MEETING OF THE TOWN BOARD

The regular meeting of the Town Board, Town of Palmyra, scheduled to be held on Thursday, September 27, 2001, at the Town Hall, 1180 Canandaigua Road, Palmyra, NY, was called to order at 8:00 PM by Town Supervisor David C. Lyon.

CALL TO ORDER

Supervisor Lyon led those present in the Pledge of Allegiance to the Flag.

PLEDGE OF ALLEGIANCE

Upon roll call, the following board members were present:
Town Supervisor - David C. Lyon
Town Board Members - David Nussbaumer
James Welch

ROLL CALL

Councilman Michael Lambrix was absent from this meeting. Councilman Lynne Green arrived at 8:07 PM.

Those present in addition to the Town Board members included:
Betsy Lewis Courier-Journal
Petra Anderson Clerk to the Supervisor
Robert Grier Code Enforcement Officer
Julie Phillip Daily Messenger
John Schlafer PO Box 258, Palmyra, NY
Beth Hoad Palmyra Historian
Art Shea 2910 Lyon Rd., Marion

VFW FLAG PRESENTATION

Supervisor Lyon moved the meeting to the front foyer of the Town Hall for a ceremony by members of Palmyra VFW Post #6778. The Post had mounted and framed the United States flag presented by Congressman Tom Reynolds to the Town on April 30, 2001. The flag now hangs in the front foyer of the Town Hall, with a plaque noting the occasion and generous donation by the VFW.

COMMUNICATIONS

1. Letter from New York State Dept. of Transportation
NYSDOT acknowledges request of Town of Palmyra and Wayne
County Highway Department to investigate traffic conditions on
Parker Road relative to the establishment of a lower speed limit.
The Town will be notified of their determination.

**MTN TO APV
MINUTES OF
8/23/2001 &
9/13/2001**

David Nussbaumer moved to approve the minutes of the
August 23 and September 13, 2001 Town Board meetings as
submitted.

Seconded by: James Welch Carried: Unanimously

REPORTS OF STANDING COMMITTEES

**PLANNING
COMMITTEE
REPORT**

Planning Committee – James Welch, Chairman

- 1. Code Enforcement Officer Update

CEO Robert Grier provided the board with his monthly report. Mr.
Welch asked about the property at 1781 Division Street regarding
the June resolution directing the owners to bring the property
conditions into compliance with the Palmyra Town Zoning
Ordinance. Mr. Grier stated no action had been taken by the
owners, that the property remains in violation, and recommended
the Board take action to clean up the property.

**RESOLUTION:
NUISANCE
ABATEMENT –
1781 DIVISION
STREET**

The following resolution was then moved by James Welch:

WHEREAS, on the 27th day of September, 2001,
information was presented to the Town Board of Palmyra
showing the property at 1781 Division Street continued to be

in violation of Local Law No. 2 of 1999, entitled "The Property Nuisance Abatement Law of the Town of Palmyra."

THEREFORE, after due notification to the property owners and allowing sufficient time to abate the violations and not having done so,

BE IT RESOLVED, that the Town Board of Palmyra directs the Town Highway Superintendent or agent to cause the cleanup of said property and the cost of that cleanup be assessed to the land on which the nuisance is located.

Seconded by: David Nussbaumer Carried: Unanimously

Zoning Committee – Michael Lambrix, Chairman

1. Supervisor Lyon made a motion to set a Public Hearing date of October 25, 2001 at 8:00 PM at the East Palmyra Fire Hall for Patricia VerPlank, who has applied to the Town for a Special Use Authorization to operate a kitchen and bath design & sales business at her property at 2335 NYS Route 31.

**SET PUBLIC
HRG – SUA
FOR
VERPLANK**

Second by: David Nussbaumer Carried: Unanimously

AGENDA ITEMS

- 1. Assessor’s Report submitted to Board – no questions.
- 2. Tentative 2002 Budget presented to Board – copies available at the Town Clerk’s Office.
- 3. Set Public Hearing Date – 2002 Budget

**ASSESSOR
REPORT**

**2002
TENTATIVE
BUDGET**

Mr. Nussbaumer made a motion to hold the 2002 Budget hearing on Thursday, November 8, 2001 at 7:30 PM at the Town Hall.

**SET PUBLIC
HRG DATE –
2002 BUDGET**

Second: James Welch Carried: Unanimously

- 4. SARA Grant-writing seminar request

**SARA WKSHP –
MILEAGE
AUTHORIZATION**

Motion by David Nussbaumer to pay mileage expense for Historian Beth Hoad and Deputy Clerk Carol D'Ambrosia to attend a grant-writing seminar in Hopewell, NY on October 30, 2001.

Second: Lynne Green

Carried: Unanimously

Supervisor Lyon adjourned this meeting to hold a public hearing; Regular meeting to resume immediately thereafter.

**PUBLIC
HEARING –
ARTHUR SHEA –
SPECIAL USE
AUTHORIZATION**

**PUBLIC HEARING
SPECIAL AUTHORIZATION - ARTHUR SHEA
ACCESS ORTHOTICS AND PROSTHETICS**

The public hearing scheduled to be held on Thursday, September 27, 2001 to consider the application of Arthur Shea, 2910 Lyon Road, Marion, NY 14505 (Town of Palmyra), for a Special Use Authorization to use an existing structure for office and shop of in-home business, ACCESS Orthotics and Prosthetics at his residence which is located in an Agricultural District, was called to order at 8:15 pm by Supervisor Lyon.

Those present at this public hearing, in addition to the Town Board members included all those present at the beginning of the Regular meeting.

The first paragraph only of the legal notice (included below in its entirety) was read, with David Nussbaumer moving to waive the reading of the remainder of said notice.

Seconded by: James Welch

Carried: Unanimously

LEGAL NOTICE
TOWN OF PALMYRA

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Palmyra will hold a Public Hearing on Thursday, September 27, 2001 at 8:15 PM at the Town Hall, 1180 Canandaigua Road, Palmyra, NY to consider the application of Arthur Shea, 2910 Lyon Rd., Marion, NY 14505 (Town of Palmyra), for a Special Use Authorization to use an existing structure for office and shop of in-home business, ACCESS Orthotics and Prosthetics.

Article III, Section 3.2(b) of the Palmyra Town Zoning Ordinance, which limits the uses of property in an Agricultural District to those permitted under Section 3.1, Paragraphs a-h states: "Use of land for other than farm purposes requires Special Authorization from the Town Board. Such Special Authorization is subject to Article VII, Section 7.1".

The property is located at 2910 Lyon Road, and is bounded on the north by property reputedly owned by David & Kathleen Wind, Tax Parcel #34113-00-554451, on the east by property reputedly owned by Kathleen Wind, Tax Parcel #34113-00-660490, on the south by property reputedly owned by David Lyon, Tax Parcel #34113-00-591322 and on the west by Lyon Road.

The Town Board will at said time and place hear all persons in support of the above application or any objections thereto. Persons may appear in person or by attorney or agent. The application is on file at the Town Clerk's Office, 1180 Canandaigua Road, and is available for review Monday through Friday, 9:00 AM – 5:00 PM.

By Order of the Town Board
Dated: September 14, 2001
Beverly E. Hickman, Town Clerk

Supervisor Lyon asked Mr. Shea to explain his plan to the Board. Mr. Shea stated he purchased the property about one year ago, and had been a manager for five years for a Geneva firm engaged in the same business he hopes to operate. He makes braces and artificial limbs. He said there are many requirements this business and shop must meet to satisfy Medicare and Medicaid insurance. He hopes to have a full-time office elsewhere eventually; until then, will use his house as his main address.

Councilman Welch asked about hazardous materials on the site, and disposal of same. Mr. Shea said there would be small

amounts of chemicals – glues & resins used in manufacturing. He must contract with companies for proper disposal.

Supervisor Lyon asked for any comments from the audience or Board; there were none.

The following recommendation from the Palmyra Planning Board was read into these minutes:

DATE: September 14, 2001
TO: Beverly Hickman, Town Clerk
FROM: Petra Anderson, Planning/Zoning Clerk
RE: Arthur Shea

At the September 10th meeting the Town Planning Board reviewed the application for Arthur Shea for a special use permit to operate a business from his home. The Board recommends approval of the application as submitted.

The following recommendation from the Wayne County Planning Board was then read into these minutes:

**Robert Grier, ZEO
T. Palmyra
201 East Main Street
Palmyra, New York 14522**

**Re: Arthur Shea
2910 Lyon Road
Tax Map Ref. No: 34113-00-555440
Use Variance**

Dear Bob:

At its regular meeting on September 26, 2001, the Wayne County Planning Board reviewed the above referenced referral and recommended Approval of the Use Variance. It also appears that an ag data statement needs to be submitted with the referral.

If you have any questions concerning this determination, please do not hesitate to call.

**Sincerely,
Bret DeRoo
Sr. Planner**

At this time Supervisor Lyon again asked if there were any

comments for or against this application. Hearing none, he declared this Public Hearing closed at 8:25 PM.

At 8:25 PM Supervisor Lyon resumed the Regular Board meeting, with a discussion of the Public Hearing subject, just closed. Mr. Welch made the following motion:

WHEREAS, on the 27th day of September, 2001, a Public hearing was held by the Town Board of Palmyra at 8:15 PM at 1180 Canandaigua Road, Palmyra, Wayne County, New York to consider the application of Arthur Shea, 2190 Lyon Road, Marion, NY 14505 for Special Use Authorization to use an existing structure for office and shop of in-home business, ACCESS Orthotics and Prosthetics.

WHEREAS, the findings of fact as determined by the Town Board, were as follows:

1. The applicants intend to provide a service for the community.
2. The strict application of the provisions of the Ordinance would deprive the applicants of the reasonable use of the land and building for which the special use is sought.
3. The grant of the special use will not alter the essential character of the locality.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Palmyra does approve a Special use Permit to Arthur Shea with the following conditions:

1. All State and Local codes governing the proposed Orthotics and Prosthetics operation are met before and during the life of this permit.
2. The property is in compliance with all State and Local Building and Zoning codes.
3. That the applicant notify the Town of Palmyra of any proposed changes in the status of this Special use Permit.
4. That an inspection of the property before operations commence to insure Code compliance takes place.
5. Annual inspection by the Town of Palmyra is conducted.
6. This Special use Permit is limited to Arthur Shea only and is not transferable to future owners.
7. This Special use Permit including Special Conditions must be agreed to and signed by the applicant in the presence of the Town Clerk or duly authorized Deputy within 10 business days of approval.
8. Special use Permit will also be subject to conditions of original application dated August 29, 2001.

Second: David Nussbaumer

Carried: Unanimously

**BUDGET
ADJ.**

5. Budget adjustments

Motion by Mr. Lyon to adjust the 2001 Town Budget by the

following amounts:

General Fund		To:	
From:		Justices - Contractual Expense	
Justices – Equipment		A1110.400	\$400.00
A1110.200	\$400.00		
Supervisor – Equipment		Supervisor – Contractual Expense	
A1220.200	\$200.00	A1220.400	\$413.22
Supervisor – Pers Svcs			
A1220.101	\$213.22		
Assessor – Pers Svcs		Assessor – Pers Svcs	
A1355.103	\$335.00	A1355.102	\$335.00
Assessor – Contractual Exp.		Assessor – Equipment	
A1355.400	\$945.98	A1355.201	\$945.98
Town Clerk – Equipment		Town Clerk – Contractual Expense	
A1410.200	\$ 46.31	A1410.400	\$46.31
Tax Collector – Cont Expense		Town Clerk – Contractual Expense	
A1330.400	\$1662.14	A1410.400	\$1662.14
Contingency Expense		Records Management – Pers Svcs	
A1990.400	\$12991.52	A1460.100	\$1606.09
		Records Management – Cont Exp	
		A1460.400	\$1337.63
		Records Management – Social Sec	
		A1460.800	\$ 91.89
		Judgments & Claims	
		A1930.400	\$ 9955.91

Second by: David Nussbaumer

Carried: Unanimously

**MTN TO
APV.
ABSTRACT
#25**

Following a review of the claims and expenditures, David

Nussbaumer moved to approve payment of same as shown on

Abstract #25 with totals as follows:

V# 2029 – 2112 Total \$146,296.07

Second by: James Welch Carried: Unanimously

(Supervisor Lyon abstained on voucher #2059)

Supervisor Lyon announced the next meeting of the Town Board will take place at 8:00 PM on Thursday, October 25 at the East Palmyra Fire Hall.

There being no further business to go before the Board, Supervisor Lyon asked for a motion to adjourn at 8:40 PM.

**MTN TO
ADJOURN**

Motion by: David Nussbaumer

Second: James Welch

Carried: Unanimously.

Respectfully submitted,

Catherine C. Contant
Deputy Town Clerk